

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF ALABAMA**

In re

Case No. 03-33553-WRS

Chapter 7

GARY D. JONES,

Debtor

**MEMORANDUM DECISION**

This Chapter 7 case came before the Court on March 30, 2004, upon the Debtors' motion seeking sanctions against Discover Card for violation of the automatic stay. (Doc. 12). The Debtor was present by counsel Richard Shinbaum. No appearance was made for Respondent Discover Card.<sup>1</sup>

Based upon its record, the Court finds that the Debtor filed a joint petition in bankruptcy on November 17, 2003. (Doc. 1). On December 1, 2003, Respondent Discover Card withdrew \$184 from the Debtor's bank account, in violation of the automatic stay. 11 U.S.C. § 362(a). As a result, the Debtors' bank returned several checks, causing the Debtors to incur bank charges in the amount of \$74. The Court further finds that Debtor's counsel has reasonably spent 3 hours in his efforts to resolve this matter. The Court takes notice that a reasonable rate for experienced bankruptcy counsel in this District is \$150 per hour, for attorney's fees in the amount of \$450. The Court finds that the Debtors are entitled to an award of damages, pursuant to 11 U.S.C. § 362(h); see also, Smith v. Homes Today, Inc., (In re: Smith), 296 B.R. 46 (Bankr. M.D. Ala.

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<sup>1</sup> The Court questioned whether the Debtors have named the proper entity as the Respondent in this matter. In the event that they have not, either the Debtor or the proper entity bring a proper proceeding before the Court to resolve the matter.

2003). The Court will enter a money judgment in the amount of \$708.00 by way of a separate document pursuant to Bankruptcy Rule 9021.

Done this 5th day of April, 2004.

/s/ William R. Sawyer  
United States Bankruptcy Judge

c: Richard D. Shinbaum, Attorney for Debtor  
Discover Card  
Susan S. DePaola, Trustee